



TECHNICAL ADVISORY COMMITTEE (TAC)
Department of Fish and Game
Office of Training and Development
1740 North Market Boulevard
Sacramento, CA 95834

Attendance:

| Members | | Agency Representatives | OSPR Participants | | Guests |
|---------------|----------------------|------------------------|-------------------|-----------------|----------------------|
| Stephen Ricks | Joan Lundstrom | Ellen Faurot-Daniels | Lisa Curtis | Ryan Todd | Scott Schaefer, USCG |
| Jonna Mazet | Jennifer Kovacs | Linda Scourtis | Bud Leland | Joy Lavin-Jones | Bob Poole |
| Matt Rezvani | R. Mitchel Beauchamp | Kevin Mercier | Steve Sawyer | Marion Boyd | Doug Flaherty |
| Linda Sheehan | | | Lisa Vandenput | Dave Cornejo | |
| | | | Carla Simmons | Tena Rakela | |

The October 30, 2007, Oil Spill Technical Advisory Committee (TAC) meeting at the Department of Fish and Game - Office of Spill Prevention and Response, Sacramento, CA was called to order at 9:35 a.m. – Stephen Ricks, Chairperson, presiding.

I. INTRODUCTIONS

LISA CURTIS, OSPR

- ❖ Self Introductions: TAC members, Agency representatives, and guests.

II. APPROVAL OF THE MINUTES

STEPHEN RICKS (CHAIRPERSON)/TAC

- ❖ April 24, 2007, minutes
- ❖ Jonna Mazet motioned to approve the minutes with edits. Kevin Mercier seconded.
- ❖ Unanimously approved.

III. OSPR UPDATE

LISA CURTIS, DAVE CORNEJO, MARION BOYD OSPR

- ❖ Lisa announced personnel updates: Lost TAC member Tracy Egoscue. Bud Leland has been appointed Deputy Administrator. We are advertising for Bud's old position. Executive support staff, Linda Green, has left for a promotion. Her replacement will start November 5. Director Ryan Brodrick retired – waiting for replacement. John McCammon is the acting Director.
- ❖ OSPR is still working on Strategic Plan. We have our Spill Tracking Data Base up and running and are continuing to update. Continuing to fill Drill and Exercise Program positions working towards a comprehensive program.■
- ❖ Bud Leland: next year they are expecting a deficit in the General Fund. The Department is looking at General Fund programs at risk.
- ❖ Fund status update: A two-page narrative was handed out along with the Fund Condition Statements by Marian Boyd, who has replaced Shelly Owens as Budget Analyst.
- ❖ Fund 207: No dedicated funding source. Funding only from fines/penalties, cost recovery, and interest.
- ❖ Fund 320: Question: TAC is concerned about DFG "borrowing" from this fund. Dave Cornejo responded that now our Division has to sign off on any transfers before they can be done. We now have access to all Cal-Stars reports so we can monitor transfers, authority, expenditures, etc. We are confident there will not be any more short-term borrowing. This is also addressed in our Strategic Plan. We project an increase in revenue, but this is just a projection. OSPR has been successful with the fund by reducing spills. We are finally able to fill new PY's for the D&E program. When we got the 1 penny increase in the fee, the Department of Finance (DOF) would not let us fill the 34 positions we requested. The new D&E program will use some of these positions. Forecasts are that California energy demands will increase, but the risk will increase also. The use of the reserve will be discussed in agenda item #10. In response to a question, the line item that shows Fish & Game Code violations includes Government Code violations also. **This fund update should be a part of every meeting and should also be a standing agenda item.**

IV. PUBLIC COMMENTS

STEVE RICKS, CHAIRMAN

- ❖ Steve Ricks asks for public comments or issues that they would like to bring to the TAC. Scott Schaefer gave an update on USCG activities.

Note: Committee requests that reports from the United States Coast Guard and National Oceanic and Atmospheric Administration be added as standing agenda items under agency Reports

- ❖ RADM Craig Bone relieved RADM Jody Breckenridge as the Commander, USCG Eleventh District. RADM Bone has a strong background in Marine Safety issues.

- ❖ The Clean Pacific Conference in Seattle was highly successful. CDR Schaefer moderated the panel on dispersant usage and places of refuge.
- ❖ We need to update the Regional Contingency Plan and the Area Contingency Plans regarding dispersant usage. The primary response resource for dispersant usage is MSRC's C-130 in Arizona. The State of Hawaii has agreed to deploy their Airborne Dispersant System Package (ADDSPAC) to the west coast if needed for a major response. The ADDSPAC would be operated by Clean Islands Council personnel and flown to the West Coast by the USCG. Because of the capabilities of their C-130, MSRC has discontinued their previous contract with small dispersant capable aircraft.
- ❖ In addition to the Pacific Strike Team, the USCG has several other teams ready to respond to major emergencies. On the West Coast, the USCG has 4 10-person Joint Field Office teams. One of these teams responded to Pasadena for the So-cal wildfires. Also, there are 2 20-person Incident Management Assist Teams (IMATS). The IMAT recently responded to Hawaii for the issues surrounding the Hawaii Superferry and participated in this summer's SONS 2007 drill in the Midwest.
- ❖ We continue to have a major issue with software compatibility and information exchange during major responses. The USCG uses the Homeland Security Information Network (HSIN) while the State of California uses the Response Emergency Management System (REMS) and other organizations including several states use WEB-EOC. We need to find a way so that responders can share information effectively and in a timely manner.

V. AGENCY REPORTS

CCC/BCDC/SLC

❖ **California Coastal Commission:**

Ellen Faurot-Daniels

Some highlights discussed for this reporting period of July 1, 2006, through June 30, 2007, are as follows:

- ♦ Harbor Safety Committees have been reviewing the PORTs related bill and working on plan updates.
- ♦ Area Contingency Plans Committees have been working on Potential Places of Refuge (PPOR). There was a drill in San Diego that tested/trained on some elements of PPOR and used a draft job aid as a decision-making tool. There have been pre-planning efforts to identify potential places of refuge as an aid in decision-making. This will include attributes/consequences of using the different sites for different incidents. The database will be used to graphically display PPOR with a table of information. This will be linked up to a USCG job aid to help weigh decisions on PPOR (including leaving vessel where it is). USCG may provide funding on database that may be able to be used nation-wide. We know what data to capture and how to frame it, now that each area is filling in the data. We are on target for early next year or the northern and central coasts. San Francisco will be later. This will dovetail nicely with the PREP drill in Eureka next March where they will drill PPOR. We would like to finalize database statewide by 9/08.
- ♦ ACP Dispersant plan: CCC is working with Yvonne Addassi, OSPR, on updating the plan.
- ♦ CCC's Energy Division is hugely impacted with LNG proposals, desalinization plants, pier updates, drilling projects, storage tank updates, spill restoration compliance monitoring, etc. Reviewing permit applicant in Pacifica converting waste water plant to bio-diesel. Question regarding biodiesel production: How are other state agencies regulating this? Does this rest with local agencies? If there is a petroleum component then all TAC agencies have concern/jurisdiction. Even straight vegetable oil has a deleterious effect. No prevention requirements but we (DFG/OSPR) would respond if there was a spill.

❖ **State Lands Commission:**

Kevin Mercier

- ♦ *Report provided.*
- ♦ Kevin Mercier reported that their Division leadership is attending Strategic Planning Training. We are now working to turn the various brain-storming exercises into a cogent document with action plans covering the next few years. This includes an objective to prepare for succession planning within the Division. Many State agencies are losing staff to local government - they can get up to a 50% salary increase. Disparity in housing costs is also an issue. This is also a problem for other agencies and industries – “baby-boomers” are retiring.
- ♦ Fund status shows increase of 2 million budgeted for SLC – this is for three new positions to support MOTEMS.
- ♦ The Liquefied Natural Gas Engineering and Maintenance Standards (LNGTEMS) are moving forward, with a draft of the most sections complete. We continue to work closely with the consultant and his subcontractor and expect an initial draft and workshop by early 2008. Question: is LKS funding the LNG MOTEMS Program? Yes, because SLC has determined the LNG is a petroleum product. OSPR has agreed to disagree on this.

- ♦ SLC will start determining the process of auditing safety management protocols to see if companies are following these protocols. Some dock safety problems identified by management that may not make it down to dock workers.
- ♦ **Question:** On SLC report, under “violations noted”, do you inform OSPR’s Marine Safety Branch of these violations? SLC monitors more transfers than OSPR; does violation information get to OSPR to indicate repeat offenders? Can we coordinate this data of violations? Copies of the Enforcement Action Letters are supposed to be given to the Administrator. **Response:** Steve Sawyer gave an explanation of OSPR’s Civil Administrative Authority. This is usually used for transfer violations not spills. SLC does not have this authority so they have to give the case to OSPR or local district attorney to pursue.
- ❖ **SF Bay Conservation and Development Commission:** **Linda Scourtis**
 - ♦ *SF Harbor Safety Committee (HSC) report:* Ferries Workgroup July 11 meeting, the ferry pilots presented their concerns related to the proposed routes, including the need to widen routes to allow greater refine maneuvering for the pilots before needing to alert VTS of a deviation from the route. The Workgroup is now preparing way points for NOAA and will describe the protocols for inclusion in the San Francisco Harbor Safety Plan. Joan Lundstrom mentioned that it is important to get commute ferries on the charts and that NOAA has agreed to add this to the charts. This should greatly improve navigational safety and reduce near-misses. There are more fast ferries coming. Next we will work on communications between ferries.
 - ♦ At the Prevention through People (PtP) August 16 meeting, the workgroup completed and provided to OSPR for printing the redesign of their brochure, “Where the Heck is Collinsville?” to include the AID dock identification codes. A May 29 meeting with cargo and barge industry representatives updated their PtP on the issue of vessel equipment falling overboard onto bunkering barges. The group agreed increased communication among the various parties involved with cargo loading and bunkering processes has contributed to safer operations.
 - ♦ The Navigation Workgroup met with State Air Resources Board (CARB) representatives over the summer to discuss a number of related topics: CARB is developing low sulfur rules and main engine regulations to be implemented by 2009, and possibly implementing cold ironing rules by 2015 that makes sense for safe navigation.
 - ♦ Suisun Bay has old/outdated depths reported. San Francisco Harbor Safety Committee is sending letter to NOAA to get this information updated. Protocol should be followed that after a new survey is done it needs to be communicated to Pilots, etc., within a week.

VI. REGULATIONS UPDATE

JOY LAVIN-JONES, OSPR

The Monterey Bay Aquarium Research Institute has concerns with the new Shoreline Protection requirements. We are working with them to resolve this issue, possibly by utilizing local resources.

VII. SPILL TRACKING DATABASE

CARLA SIMMONS, OSPR

Carla Simmons gave a Power Point Presentation updating the spill data through October 2007 (10 months of data). An “incident”, for purposes of this database, is a discharge or threatened discharge of petroleum or other deleterious material into the waters of the state. This includes oil spills less than 42 gallons that involved an OSPR Warden, who would be charging their time to the Inland Program. The presentation generated the following questions/discussion:

- ❖ Data on the Inland response side is less clear than the data about marine incidents. Why only 140 responses in Marine? OSPR’s programs have probably resulted in reduced incidents that need a physical response. Also, a significant number of OES reports (counted as “incidents”) do not need a physical response.
- ❖ A question was asked about the “Lack of resources” category: no Warden for Dispatch to notify to respond to incident – either not there or not available because they are doing other DFG duties.
- ❖ Why does OSPR have responsibility for Inland Pollution incidents? DFG delegated this authority to OSPR. Some DFG positions are funded out of Fund 207, but are not doing Inland Pollution work.
- ❖ Why is “Railroad” included in “sources”? Data derived from OES report, which indicates that the rail cars were carrying an unknown substance.
- ❖ Who responds to municipal power or water spills? Depends on substance – sewage spills is handled by the County Department of Health.
- ❖ Will verified volumes be added? We are working on setting up a good reporting method for volume of inland spills, like we have for the data on marine oil spills. The OES report is often incorrect (usually low); and this data does not get verified and updated like the marine oil data.
- ❖ OSPR should identify the data source for Inland Reports as “according to OES Reports”.
- ❖ Relevance to “state water”? This determination is made by OSPR’s spill analyst.

- ❖ We need to find out who are responsible for the spills in the Inland arena. This would be the first step in determining fee/funding.
- ❖ The data set is limited to State waters; why don't we care about dry land spills that affect habitat? Our jurisdiction is impact to water only.

VIII. PROGRESS ON RECOMMENDATIONS AND FUTURE TAC ISSUES IDENTIFIED IN 2005/2006 TAC BIENNIAL REPORT

STEVE RICKS, CHAIRMAN

Steve Ricks led the Committee on a discussion of the TAC Biennial Report recommendations:

- ❖ DOF Audit of OSPAF – ongoing monitoring. Surplus in Fund 320 and 321. Should TAC make recommendations on the use of this surplus? There should be a stakeholder group (TAC) to make recommendations on surplus and potentially recommend adjustments to the fee. Does TAC want to take on this role? TAC's charter includes advising the Administrator on oil spill programs in the State of California. It would be very helpful for the TAC (including SLC, CCC, BCDC) to get a copy of OSPR's Strategic Plan which includes a desired priority list, so the TAC can review and perhaps make additional recommendations/changes. Perhaps establish regular cycle (every January meeting?) to get list of goals; in subsequent meetings TAC would get updates towards goals. Administrator does not have input on requests of OSPAF from other agencies. This information is not public record until it gets into the Governor's budget. January would be a good time for current year legislatively, and for the next year administratively.

Agenda item for next meeting: By January 1 TAC would request information from OSPR and other Agencies on priorities for upcoming calendar year.

- ❖ Administrator must review all fund transfers before they happen. OSPR is comfortable with the process now. What about deposit of funds – how confident are we that OSPR is receiving all revenue we are supposed to? This would include fees and penalty monies. Legal Unit has process to track penalty money, but once it is coded it is forwarded to HQ.

Next meeting; ask Dave Cornejo how this is followed up on. Also, inland cases go to the DA and they file and settle, but we don't know where money goes. How safe is Fund 320? Make sure this is on future reports on also.

- ❖ DFG redirected positions from OSPR (Legal (10), Enforcement (35), Information Technology (IT) (10) and 2 Public Information Officer (PIO)) but positions are still funded through the OSPAF. Does this affect OSPR mission? Not really an issue with Legal (although referrals to the Attorney General can only come from HQ) ; not yet an issue with IT. Without the Administrator's oversight how do we know that Enforcement is only doing OSPR work when they are being funded by OSPAF? If DFG can borrow funds, it is possible that they are borrowing staff as well. PIOs have physically moved to HQ. Administrator has responsibility without the authority, because they have been redirected to DFG control.

Agenda Item for next meeting: concerns about transfer of OSPR staff. TAC (Joan, Matt and Steve R) to write letter to the Director. Would like the Director to come to the next meeting to discuss how this problem will be rectified). Possible action item for next meeting: letter may need approval by Committee.

- ❖ PORTS system – TAC supports funding to keep this system from shutting down. Current status of Cal-PORTS legislation – good backing from a wide variety of support on legislation, but held up in Senate Appropriations Committee because it needed a funding source. Total cost for five years – 7.2 million. This system gives real-time environmental conditions (winds, tides, currents, etc). NOAA paid for the hardware for San Francisco demonstration project. Federal legislation is in the works, but it is very limited (3.2 million nationwide). San Francisco PORTS has multiple users, but no clear source of funding. Why is the legislation adding Port Hueneme, Humboldt Bay, and San Diego? WSPA is willing to support San Francisco only. Wouldn't it be easier to write the legislation to fund the existing system only? OSPR has provided interim funding for San Francisco (\$250,000).

For next meeting Joan to get estimate for funding current system for SF Bay region only. She will also get vessel traffic data in SF Bay

- ❖ Inland spills program (Fund 207). Funding is the issue. OSPR is still working on getting better data on inland spills. Also, working with DFG to make sure Fund 207 staff is doing Inland Program work. A comprehensive Inland Pollution Program would cover all deleterious materials.

On-going Agenda item: TAC would like to be kept updated. If specific issues come up, e-mail to TAC ahead of time so it can be discussed at the upcoming meeting. Would like to understanding volumes and magnitudes of Inland spill data for next meeting.

- ❖ Additional issue: 3 openings on TAC. How to fill? Lisa met with appointments staff and they are aware of this issue. TAC Chair to draft letter for Committee to review, to Assembly (1 position) and Governor (2 positions). Also check with Harbor Safety Committees for interest in the Dry Cargo Representative position.

X. BYLAW CHANGES

RYAN TODD, OSPR

- ❖ Bylaw changes for purposes of posting the agenda (action item): 10 day pre-notice instead of 7. Motion to include language as presented by Ryan in section "E" of the bylaws to meet Bagley Keene Open Meeting Act. Ryan will update the Bylaws to reflect these changes. *In response to a question, for disability accessibility there has to be a phone number to call for special arrangements. All changes approved.*
- ❖ Ryan cautioned the committee that they cannot require public visitors to "identify" themselves. Also, we must ensure that copies of documents that are distributed to TAC are also available for public visitors at the meeting to see/review. TAC should also avoid any in depth discussion during the discussion of New Items at the meeting. They should schedule the item as an agenda item for the next meeting for a full discussion.

XI. SHOULD TAC MAKE RECOMMENDATIONS FOR THE FISCAL PRIORITIES FOR NEXT YEAR'S BCP'S AND FOR USE OF THE OSRTF INTEREST?

JONNA MAZET, TAC

Subject covered under #8, above

XI. ELECTION OF OFFICERS

STEVE RICKS, CHAIRMAN

Nominations: Chair – Steve Ricks, Co-Chair – Jonna Mazet. Motion MSP by Committee

XII. OLD/NEW BUSINESS

STEPHEN RICKS (CHAIRMAN)/TAC

Possible need for audit of 321 Response Trust Fund?

Add as agenda item for next meeting.

- ❖ **Date and location of next meeting:**
 - January 22, 2008, tentatively set for San Diego.

ADJOURN 2:45 p.m.